

1
2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 OAKLAND DIVISION
5

6 DAWN TILL and MARY JOSEPHS,
7 individually, and on behalf of all others
8 similarly situated,

9 Plaintiff,

10 vs.

11 SAKS INCORPORATED, a Tennessee
12 corporation; SAKS FIFTH AVENUE, INC., a
13 Massachusetts corporation; SAKS &
14 COMPANY, a New York corporation; and
15 SAKS FIFTH AVENUE OFF FIFTH,

16 Defendants.

Case No: C 11-0504 SBA

**ORDER STRIKING NON-
COMPLIANT BRIEFS**

17 The Court's Standing Orders in effect *since July 1, 2011*, impose page limits on
18 motions, as follows:

19 **Page Limits:** All noticed motions (other than motions for
20 summary judgment) and any opposition thereto, shall not
21 exceed fifteen **(15) pages** in length, exclusive of the table of
22 contents, table of authorities, exhibits and declarations, if
23 required. Reply briefs may not exceed **ten (10) pages** in length.
24 Motions for summary judgment are subject to the page limits
25 set forth in Civil Local Rule 7.3.

26 Id. at 4. The Standing Orders further state that any brief filed "in an improper manner or
27 form shall not be received or considered by the Court." Id.

28 Defendants have filed a twenty-five page Motion to Deny Class Certification and
Reject Conditional Certification. Dkt. 26. Plaintiffs filed a twenty-three page opposition to
the motion. Dkt. 33. Separately, Plaintiffs filed a twenty-five page Motion for Class
Certification, Dkt. 42, to which Defendants filed a twenty-five page opposition, Dkt. 58,
and Plaintiffs filed a fifteen-page reply, Dkt. 60. Prior leave of Court was neither sought
nor obtained by the parties to file these oversized briefs. The Court will not consider the

1 parties' non-compliant briefs. See Swanson v. U.S. Forest Serv., 87 F.3d 339, 345 (9th Cir.
2 1996) (courts have discretion to strike oversized briefs). Nonetheless, the Court will afford
3 the parties an opportunity to rectify their violations of the Court's Standing Orders.

4 Accordingly,

5 IT IS HERBY ORDERED THAT:

6 1. Defendants' Motion to Deny Class Certification and Reject Conditional
7 Certification and Plaintiffs' Motion for Class Certification and related briefs, Dkt. 26, 33,
8 42, 58 and 60, are STRICKEN from the record.

9 2. The parties' may resubmit their respective motions, consistent with the
10 Court's Standing Orders, in accordance with the following schedule:

11 a. Motions due by September 25, 2012.

12 b. Oppositions due by October 2, 2012.

13 c. Replies due by October 9, 2012.

14 The parties need not refile their supporting declarations. However, parties' respective
15 memoranda shall include references to the docket number corresponding to the previously-
16 filed declarations.


17 3. Prior to refiling their motions, the parties shall meet and confer in person or
18 by telephone in an effort to narrow the issues presented in their motions. The parties' meet
19 and confer conference shall include the Plaintiffs from Tate-Small v. Saks Inc., No. C 12-
20 3903 SBA, to determine whether the renewed motions should include that action, as well.

21 4. The motions will be taken under submission as of the date the replies are due.
22 No hearing will be held in connection with the motion unless otherwise ordered by the
23 Court.

24 5. This Order terminates Docket 26, 30 and 42.

25 IT IS SO ORDERED.

26 Dated: September 11, 2012


SAUNDRA BROWN ARMSTRONG
United States District Judge